

Message

From: Donaldson, Guy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D2A0969773664CC3B6EB1208748F1A5D-DONALDSON, GUY]
Sent: 9/28/2018 1:28:52 PM
To: Stanton, MaryA [Stanton.Marya@epa.gov]
CC: Watson, Lucinda [watson.lucinda@epa.gov]; Todd, Robert [Todd.Robert@epa.gov]; Nann, Barbara [nann.barbara@epa.gov]
Subject: RE: Houston RACT
Attachments: Final FRN HGB RACT and VOC Tank Revisions with response to comments -- Draft.docx

So I download the FR off of share point and read some of it in the car back from Austin.

I had some thoughts on one of the comments.

From: Watson, Lucinda
Sent: Wednesday, September 26, 2018 3:30 PM
To: Todd, Robert <Todd.Robert@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>
Cc: Stanton, MaryA <Stanton.Marya@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>
Subject: RE: Houston RACT

Please keep the revised language in the first comment since it is a legal response. This response is Barbara's lead, with help from you and others as appropriate.

From: Todd, Robert
Sent: Wednesday, September 26, 2018 3:28 PM
To: Watson, Lucinda <Watson.Lucinda@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>
Cc: Stanton, MaryA <Stanton.Marya@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>
Subject: RE: Houston RACT

I accepted the revised language in the CTG section of the response to comments.

The revised language in the first comment seemed fine to me, but I didn't accept any of that. Not sure if you meant that for Barbara's review or mine.

Let me know if I should accept that as well.

Robert

From: Watson, Lucinda
Sent: Wednesday, September 26, 2018 3:22 PM
To: Todd, Robert <Todd.Robert@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>
Cc: Stanton, MaryA <Stanton.Marya@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>
Subject: RE: Houston RACT

Thanks, Robert. I agree with your characterization of the Air Alliance Houston comments.

From: Todd, Robert
Sent: Wednesday, September 26, 2018 3:08 PM
To: Watson, Lucinda <Watson.Lucinda@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>

Cc: Stanton, MaryA <Stanton.Marya@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>

Subject: RE: Houston RACT

Air Alliance Houston gave testimony at the public hearing. The Sierra Club/Air Alliance/Downwinders cited that testimony in their adverse comments.

If you read the testimony, it doesn't seem all that negative about the proposed regulation and RACT adoption. It comes across as a series of suggestions about how to approach the TCEQ regulation development under consideration at the time in light of soon to be proposed EPA CTGs. There were also some broad statements about continuous monitoring and LDAR programs being preferable for determining compliance. That's about as adverse as they got when the TCEQ regs were out for public comment.

The transcript of the testimony is on pages 218-224 in the attached file. TCEQ response is at pages 236-241 of the same document.

Robert

From: Watson, Lucinda

Sent: Wednesday, September 26, 2018 2:51 PM

To: Todd, Robert <Todd.Robert@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>

Cc: Stanton, MaryA <Stanton.Marya@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>

Subject: RE: Houston RACT

Barbara will be back tomorrow and can work on "cleaning up" the draft.

Robert, if you would accept/reject/rewrite my edits on the Oil and Gas response, that will help.

To make an informed legal risk assessment, did anybody comment adversely during the TCEQ's rulemaking process?

Is it the same environmental group who submitted adverse comments to EPA?

Barbara will look into this further tomorrow also.

From: Todd, Robert

Sent: Wednesday, September 26, 2018 2:36 PM

To: Watson, Lucinda <Watson.Lucinda@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>

Cc: Stanton, MaryA <Stanton.Marya@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>

Subject: RE: Houston RACT

And to top it off we need a legal risk assessment from ORC before we can submit this to OGC for review (which I understand is now required).

Attached is a form with the information Mary will need to input this FR to them for review. Please fill in the portion of the form that asks for a legal risk assessment.

Also, we'd like to avoid sending them anything that isn't "clean", so to speak.

Thanks for your help,

Robert

From: Watson, Lucinda

Sent: Wednesday, September 26, 2018 1:37 PM

To: Nann, Barbara <nann.barbara@epa.gov>; Todd, Robert <Todd.Robert@epa.gov>

Cc: Stanton, MaryA <Stanton.Marya@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>

Subject: Houston RACT

Barbara, I have significant comments on your legal response to the first comment. It also will require talking with Fran's section on how monitoring works regarding point sources, area sources, on-road mobile sources, and off-road mobile sources. After you have pondered, I think you will realize you would like to read some more background articles and check case law.

Robert – I had a few edits clarifying the Oil and Gas CTG response. I tried to say TCEQ controlled the major oil and gas sources already (without getting into specifics, not comparing to the CTG) and said – look to the TSD for further information. Because even though there was no applicable CTG, TCEQ had to show it controlled any major sources.

Looking good.

Lucinda

214-333-2237